

### Remarks

Claim 9 and Claim 18 are currently amended. Support for the amendments can be found at, for example, paragraph [0077]. The amendments are believed to place the application in better condition for allowance, or alternatively in better condition for appeal.

Claims 9-13 and 15-19 are rejected under 35 USC §102(b) as anticipated by Nakagawa. The rejection states that Nakagawa teaches a fiber yarn containing a cellulosic filament inherently having a total amount of  $\alpha$ -cellulose and  $\beta$ -cellulose of 90% or more, a thickness of 83 dtex and a twist of 0, which can be false twisted then circular knit into a fabric. The rejection then states that the recitation in the claim that the yarn contains a "bamboo pulp-based cellulosic filament" renders the claim into a product-by-process claim and that this recitation will merely be treated as a step in the process for making the claimed composition. The rejection then concludes that this recitation can be ignored because, in the context of product-by-process claims, the determination of patentability for the claimed composition is determined based on the product itself and not the steps used to make the product. This reasoning is used in the rejection to ignore the absence of "bamboo pulp-based cellulosic filament" teachings in the prior art.

Independent Claims 9 and 18 have been amended to recite that the fiber yarn contains "a bamboo pulp cellulosic filament having about 80 wt% to about 87.5 wt% of an  $\alpha$ -cellulose component." Claims 10-13 and 15-17 are dependent on independent Claim 9 and incorporate all of its recitations. Claim 19 is dependent on independent Claim 18 and incorporates all of its recitations.

The Applicants respectfully submit that Claims 9-13 and 15-19 are not anticipated under 35 USC §102(b) by Nakagawa. This is because amended Claims 9-13 and 15-19 recite that the fiber yarn contains a "bamboo pulp cellulosic filament having about 80 wt% to about 87.5 wt% of an  $\alpha$ -cellulose component." Nakagawa does not expressly or inherently describe cellulosic filaments having the specified weight percentage of the  $\alpha$ -cellulose component.

First, the Applicants wish to clarify that Claims 9-11, 13 and 16-19 are not product-by-process claims and are instead conventional composition claims. For the sake of clarity on this point, independent Claim 9 and Claim 18 have been amended to recite that the fiber yarn contains a "bamboo pulp cellulosic filament." Additionally, the Applicants note that differences exist between sources of cellulosic fibers such as the  $\alpha$ -cellulose and  $\beta$ -cellulose content, the sizes of the  $\alpha$ -cellulose and  $\beta$ -cellulose polymer molecules, and lignin content as well as other

components of the raw materials. These properties of the starting materials, and in particular the cellulose in the starting materials, is what has previously rendered certain materials, such as bamboo and other grasses, unsuitable for use in making fiber yarns and cloths of the type disclosed by the Applicants.

In light of the foregoing, the Applicants respectfully request withdrawal of the rejection of Claims 9-13 and 15-19 under 35 USC §102(b).

The Applicants believe the amended claims are in condition for allowance which is respectfully requested.

Respectfully submitted,



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